

**REMARKS**

Claims 1 - 7 have been canceled without prejudice or disclaimer.

Claims 8 - 17 have been added in order to more particularly point out, and distinctly claim the subject matter to which the applicant regards as his invention. Claims 8 and 17 are independent claims. It is believed that this Amendment is fully responsive to the Office Action dated June 8, 2006.

The applicant has amended the title of the invention to one that is more clearly indicative of the applicant's invention. It is requested that the title of the invention, amended herewith, be approved by the Examiner.

The specification has been objected to due to certain informalities. The applicant respectfully requests reconsideration of these objections. The applicant has amended the specification to correct such informalities. Thus, the withdrawal of the outstanding objections to the specification is in order, and is therefore respectfully solicited.

At the outset, the applicant thanks the Examiner for indicating that claims 2 - 6 contain allowable subject matter.

However, claims 1 and 7 stand rejected as being anticipated under 35 USC 102(b) based on Furukawa (U.S. Patent No. 5,684,771). The applicant respectfully requests reconsideration of this rejection.

The applicant's claimed invention, as now recited in independent claim 8, is directed to a recording medium type determining apparatus, which includes a reading section for reading an open-reproduction signal from a recording medium while tracking servo control is kept open; and a determining section for determining presence of a wobble on the recording medium based on the open-reproduction signal read by the reading section. As now set forth in claim 8, the type of the recording medium is determined based on the determination results of the determining section.

The applicant's claimed invention, as now recited in independent claim 17, is directed to a recording medium type determining method, which includes the steps of reading an open-reproduction signal from a recording medium while tracking servo control is kept open; and determining presence of a wobble on the recording medium based on the open-reproduction signal read during the reading step. As now recited in claim 17, the type of the recording medium is determined based on the determination results during the determining step.

Significant structural arrangements or features, as now recited in each of added independent claims 8 and 17, include the claimed determining section (CPU105) or method step for determining presence of a wobble on the recording medium based on the open-reproduction signal read by the reading section, in which the type of the recording medium is determined based on the determination results of the determining section.

Furukawa, owned by the assignee (Pioneer Corporation) of the instant application, does not teach such distinguishable claimed structural arrangements or features, now set forth in claims 8 and 17.

More particularly, Furukawa discloses an optical recording medium discriminating (type-determining) apparatus (typically, for a compact disk (CD)), where different phase relationship between RF signal and push-pull signal is used to judge the type of the disk (see, lines 41 - 55, column 3 in Furukawa). The type determination is based on push-pull signal as in conventional arts (see, the abstract, and lines 14 - 24, column 7 in Furukawa). However, Furukawa is silent as to the structural arrangement or feature regarding medium determination by detecting the presence of wobble on a disk, as now set forth in each of added independent claims 8 and 17.

Thus, since not all of the claimed elements or features, as now recited in either independent claim 8 or independent claim 17, are found in exactly the same situation and united in the same way to perform the identical function in Furukawa's apparatus or method, there can be no anticipation of the applicant's claimed invention, as now recited in either independent claim 8 or independent claim 17, based on the teachings of the Furukawa patent.

Furthermore, claims 9 - 16 depend on independent claim 8, and further limit the scope of claim 8. Thus, at least for the reasons set forth above with respect to claim 8, claims 9 - 16 should now be similarly allowable.

In view of the above, the withdrawal of the outstanding anticipation rejection under 35 USC 102(b) based on Furukawa (U.S. Patent No. 5,684,771) is in order, and is therefore respectfully solicited.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

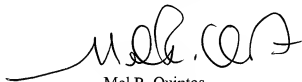
U.S. Patent Application Serial No. 10/624,886  
Response filed September 7, 2006  
Reply to OA dated June 8, 2006

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,  
HANSON & BROOKS, LLP



Mel R. Quintos  
Attorney for Applicant  
Reg. No. 31,898

MRQ/lrj/tpc

Atty. Docket No. 030900  
Suite 1000  
1725 K Street, N.W.  
Washington, D.C. 20006  
(202) 659-2930



23850

PATENT TRADEMARK OFFICE